

IN THE DISTRICT COURT OF  
THE UNITED STATE OF AMERICA  
FOR THE MIDDLE DISTRICT OF ALABAMA  
Northern Division

2005 SEP 20 A 10:09

John Edward White ?  
(Plaintiff) ?

DEBRA A. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Montgomery City Jail ?  
COI BENDER (737) ?  
COI JOHNSON (791) ?  
COI GREEN (993) ?  
COI SCOTT (1204) ?  
COI MCKENZIE (1480) ?  
(Defendants) ?

CASE NO. 2:05cv895-T

Complaint

ON 25 AUGUST 2005 WHILE I WAS IN TWO CELL ON  
SUICIDE WATCH OFFICER BENDER WAS MAKING A CELL  
CHECK. INMATE SANKEY MADE A FLASE COMPLAINT THAT  
I WAS MASTERBATION. I TOLD HER THAT SANKEY HAD  
A BAD SMELL TO HIS BODY, AND I TOLD HER SANKEY  
WASN'T TAKEN CARE HIS HYGIENE. SHE HAD IGNORE  
WHAT I WAS TELLING HER. SHE START LISTEN TO SANKEY  
STATEMENT. THATS WHEN SHE TOLD HIM TO DEFEND HIM  
SELF, HOWEVER HE SEES FIT. SHE TOLD HIM TO "WHIP MY  
BUTT" AND SHE'LL BACK HIM UP. SANKEY SPIT IN MY  
FACE AND THEN HE SWUNG ON ME. I GRABBED HIM IN  
SELF DEFENSE. I WAS TRYING TO PROTECT MYSELF.

BY ANY MEANS NECESSARY. THATS WHEN COI BENDER  
 STARTED SPRAYING ME DOWN WITH HER MACE, AND  
 SHE WAS JOINED BY FOUR MORE OFFICERS. I WAS  
 BEING SPRAYED BY 5 CANS OF MACE. WHY SCUFFLE  
 WITH INMATE SANKEY <sup>HE</sup> MANAGED TO BITE ME ON MY  
 HAND AND HE BIT ME IN MY CHEST. MY EYE WITNESSED  
 SAID THEY SAW OFFICER BENDER BEATING ME ON TOP OF MY  
 HEAD WITH HER MACE CAN AFTER IT WAS EMPTY.  
 I BEGAN SUFFERING A SERIOUS ASTHMA ATTACK AND  
 I NEEDED IMMEDIATE MEDICAL ATTENTION. THEY TOOK  
 ME OUT OF TWO CEN AND THEY HAD MOVE ME TO A SMALL  
 CAGE. I WAS IN THERE FOR ALEAST 2 AND A HALF HOURS  
 WAITING FOR THE PARAMEDICS TO SHOW UP. I WAS  
 IN EXCRUSIATING PAIN. IT WAS NO NURSE ON DUTY; THIS  
 A MAJOR VIOLATION OF THE JAIL POLICY. THEY WAS -  
 CONSTANTLY TELLING ME THE PARAMEDICS WAS ON  
 THE WAY. THEY LEFT ALL THAT MACE ON ME THE -  
 WHOLE TIME I WAS WAITING FOR THE PARAMEDICS  
 TO COME AND GET ME FOR MY ASTHAM ATTACK. I  
 WAS HAVING A SERIOUS ASTHAM ATTACK I HAD ONE  
 OF MY INHALING PUMP WITH ME. I USED ALL OF  
 THAT. THEY WAS BRING ME BIG BAGS TO BREATHE IN  
 NONE OF THAT WAS HELPING ME. ALSO THE JAIL STAFF  
 REFUSED TO PHOTOGRAPH MY INJURIES DESPITE -  
 MY REQUESTS. I WAS EVENTUALLY TRANSPORTED IN  
 A POLICE CRUISER TO BAPTIST HOSPITAL. THAT WAS  
 ANOTHER MAJOR VIOLATION OF THE CITY JAIL POLICY  
 OFFICER BENDER AND THE OTHER OFFICERS ACTED

IRRATIONALLY AND THEY CAUSED THIS INJURIES ON ME. SHE DID THIS BECAUSE SHE HAD A PERSONAL VENDETTA AGAINST ME. THE SCUFFLE WITH SANKEY WAS BLOWN OUT OF PROPORTION AND THE OFFICERS REACTED WITH UN-NECESSARY FORCE. THEY USED EXCESSIVE AND UNWARRENTED FORCE. AND THEY USE FIVE CANS OF MACE CONSTITUTED CRUEL AND UNUSUAL FORCE. THIS INCIDENT WAS WITNESSED BY SIX INMATES, AND I HAVE PROVIDED THEIR NAMES ON THE AFFIDAVIT, OFFERED AS EVIDENCE. MY INJURIES ARE DOCUMENTED ON THE ER-TREATMENT DOCUMENT OFFERED AS EVIDENCE. I HAVE DEVELOPED INSOMNIA AND I FEAR FOR MY LIFE WHILE I AM INCARCERATED AT THE MONTGOMERY CITY JAIL. I RESPECTFULLY REQUEST THAT THIS COURT GRANT TO ME AWARD THAT ACCURATELY REFLECTS THE ACTUAL PAIN I ENDURED AS WELL AS THE STRESS AND MENTAL ANGUISH I HAVE SUFFERED AS A DIRECT RESULT OF THIS INCIDENT.

9-15-05  
DATE

John E. White  
RESPECTFULLY SUBMITTED BY  
JOHN EDWARD WHITE

ACKNOWLEDGEMENT

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

BEFORE ME PERSONALLY APPEARED John E. White  
9-15-05  
DATE

<sup>LISA Hampton Davis</sup>  
Lisa Hampton Davis  
NOTARY PUBLIC STATE OF ALABAMA

MY COMMISSION EXPIRES 03-17-09

Affidavit

8-25/05

I do Solemnly SWEAR that I (John White) Am -  
 At this time Refuting the fact that the Incident  
 OCCURED IN the mannOR that it did, this Statemen  
 (the Inmate disciplinary Report) STATES UNDER the  
facts About Violations) — - Doug SANKEY made a-  
 Complaint to officer BENDER About John White —  
 MASTERBATING - AND A foul smell due to this action.  
 the inmates, of 2 cell will testify that ~~this~~ ~~is~~ ~~not~~ -  
 the CASE. the ACTUAL facts ARE that Douglas SANKEY  
 MADE A DIRECT ACCUZATION that John White WAS  
 MASTERBATING over him which WAS A FALSE AND-  
 UNTRUE STATEMENT this ACCUZATION WAS WITNESSED  
 by all the INMATES IN this CELL. At this Particu-  
 lar, time officer BENDER backed MR. SANKEY'S  
 ACCUZATION AND took sides with SANKEY INSTRU-  
 cting, and him defend his self as he saw fit, the  
 INMATES that IN (2-CELLS) said they HEARD MRS. -  
 BENDER, telling<sup>ing</sup> MR. SANKEY'S to (Jump me!) And HE  
 did just that by spitting IN my face, and then  
 HE swung ON me <sup>and he bit me</sup> MRS. BENDER WAS standing  
 Right there watching him do this to me. At this  
 Point. AN ALTERCATION ENSUED AND both INMATES-  
 WERE SPRAYED. I John White WAS EXCESSIVELY  
 SPRAYED, By officer BENDER She WAS ALL OVER  
 me with the mace. then 'She start beating-  
 me IN my Head with the CAN' then I start  
 suffered AN IMEADIATE AND SERIOUS —→

(ASTHMA ATTACK) AS A RESULT OF, THE EXCESSIVE CRUEL UNUSAL PUNISHMENT, I WHITE WAS TRANSPORTED, TO THE HOSPITAL FOR EMT. (EMERGENCY — MEDICAL TREATMENT.) AT BAYTEST HOSPITAL. ONLY — AFTER SITTING IN EXCRUCIATING PAIN FOR ATLEAST 2 IN A HALF HOURS, BECAUSE OF THE FACT THAT — THERE WAS NO NURSE ON DUTY. (WHICH IS A VIOLATION OF — THE MONTGOMERY CITY JAIL, POLICY) NO PICTURES OF THIS INCIDENT WERE TAKEN. CAPTURING NO PROOF OF INJURY. (I WAS LACK OF MEDICAL ATTENTION.) ON THE JAIL PREMISIS. I FEEL THAT OFFICER — BENDER, ACTED IRRATIONALLY, AND WITH A PERSONAL — VENDETTA AGAINST ME. OVER THE PAST ACCUSATIONS STEMING FROM A SERIES OF NEGATIVE COMMENTS EXCHANGED ON — BOTH OF OUR PARTS. OVER MASTERBATION AND OTHER ISSUE AS IN HER OWN STATEMENT SHE WAS READY TO PUT ME IN ISOLATION AND NOT TAKE ANY ACTION AGAINST MR. SANKHE WHERE AS I FEEL BOTH OF US SHOULD HAVE BEEN EQUALLY DISCIPLINED. IN CLOSING I FEEL THAT THE WHOLE — INCIDENT WAS A PERSONAL ATTACK AGAINST ME AND — MY PERSONAL WELFARE WHILE INCARCERATED AT THE CITY JAIL. THESE OFFICERS USED UN-NECESSARY — FORCE AGAINST ME. C.O.I BENDER (# 737) C.O.I. JOHNSON (# 791) C.O.I GREEN (# 993) C.O.I SCOTT (# 1204) C.O.I MCKENZIE (# 1480) THEY WAS NOT WARRENTED OF THIS SITUATION OF THE MAGNATUDE IN OTHER WORDS IT WAS NOT THAT SERIOUS, I — SUFFERED THE MOST OUT OF EVERYONE WHO WAS



INVOLVED. EVERY INMATES IN 2-CELLS WAS hit-  
by that MACE, They was gagging AND coughing.  
Those officers Empty their(CANS of MACE ON ME  
that WAS VERY CRUEL) but for the last time I -  
will say that officer BENDER had it in for me  
AND acted OVER AGGRESSIVELY. AFTER BEING SPRAYED-  
down with the mace, my Astham CAN ON -  
REAL HARD, they kept telling me the PARAM-  
medic, WAS ON the way. I waited and waited, I  
still didn't SEE any sign of them. Two officers  
showed up! they ESCORTED me to the Hospital. -  
IN my opinion they should HAVE waited for  
PROPER MEDICAL ATTENTION, INSTEAD OR letting  
me DRIVE IN the officers CAR, - I could have  
died.

I HAVE retained or MADE COPIES of this letter to  
forward to the FEDERAL MARSHALL, my ATTORNEY  
JULIEN McPHILLIPS AND my family members. →  
THANK you ONCE AGAIN WARDEN COLLINS for -  
taking the time to listen to my side of this  
INCIDENT.

THESE ARE my EYE witness!

P'S ALSO I got BURNT MARKS ON my  
NECK from their MACE.

my witness!

attached ....

Ronald Whitt (4021)

Eric L. Miller (5310)

Joseph White (5225)

James R. Armer

Willie Walker (1972)

James Jeter (5454)

I HEREBY SWEAR that this  
Affidavit is true to the  
BEST of my knowledge.

This 29<sup>th</sup> date August 2005

Submitted 8-29-05,

Sign, John E. White

Notary Public Lisa Hampton Davis

Notarized 8-29-05

Commission Expires 03-17-09

Notary's Printed Name Lisa Hampton Davis